IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2467 OF 2005

Dr. Datta Zemse and Ors. ..Petitioners.

Versus

Joint Registrar, Co-op.Societies,
Mumbai Division, Mumbai & Ors. ..Respondents.

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Mr. Y.S.Jahagirdar with Dr. V.K.Choudhari for the Petitioners.

Mr. A.H.Palekar for the Respondents 1 and 2.

Mr. Rohit Pawaskar for the Respondent No.3.

Mr. K.Y.Mandlik for the Respondents 4 and 5.

Mr. S.A. Kumbhakoni for the Respondent Nos. 6 to 11.

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**CORAM : S. A. BOBDE, J.**

**DATED : 26TH AUGUST, 2005.**

**P.C.:**

1. Rule, returnable forthwith.

The learned counsel appearing on behalf of the respective respondents, waive service of rule for the respective respondents.

Heard by consent.

2. The petitioners have challenged the order dated 2nd April, 2005, disposing of their Appeal by merely modifying the order under Appeal to the extent that insted of Board of Administrator, a single administrator one Mr. I.A. Tadvi is substituted. I am satisfied that the order does not adequately go into the question raised by the petitioners. However, it is not necessary to pronounce on the finding arrived at by the appellate court i.e. Divisional Joint Registrar. Suffice it to say that it is appropriate in the interest of justice that the order is set aside. It is, however, not necessary to remand the matter for fresh decision in the appeal in view of the order, I propose to pass by consent of the parties as under :-

ORDER

i. The election of the Managing Committee of Shri Dattaguru Co-operative Housing Society Ltd., Deonar, shall be held by the Administrator within a period of two months from today.

ii. Petition is disposed of in the above terms.

DT.26.08.05 (S.A.BOBDE,J)

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